

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas Wayne Evenstad,

Case No. 19-cv-2034 (ECT/ECW)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Richard Walton Stanek, et al.,

Defendants.

In an order dated September 3, 2019, this Court directed Plaintiff to file supplemental information about his qualifications to proceed *in forma pauperis* (“IFP”). (See Dkt. 3.) Mr. Evenstad was given until Monday, September 23, 2019 to provide the financial information, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See Fed. R. Civ. P. 41(b).*

That deadline has now passed, and Mr. Evenstad has not supplemented his financial information. In fact, Mr. Evenstad has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be **DISMISSED WITHOUT PREJUDICE** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 9, 2019

s/Elizabeth Cowan Wright
ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).